



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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Jamestown, RI 02835

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Public Hearing Summary Document

November 27, 2007 at 6 PM

**URI Narragansett Bay Campus
Corless Auditorium**

- 1) Summer flounder quota management proposals;
- 2) Black sea bass quota management proposals;

The public has been afforded the opportunity to comment on the proposals contained in this document at the public hearing scheduled for Tuesday, November 27, 2007 (6 PM) at the URI Narragansett Bay Campus, Corless Auditorium or by submitting written comments to the Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 p.m. on November 27, 2007. Underlined and bold font indicates new language and crossed out font denotes existing language proposed for elimination.

1) Summer flounder quota management proposals

Option 1 – Status Quo

7.7.1 Summer flounder Sub-periods and Possession Limits

7.7.1-1 Winter Sub-Period: January 1 - April 30 annually.

Target allocation - 54% of the annual quota established in Section 7.7, unless modified pursuant to this part. It shall be unlawful to possess or land from a vessel, in any one calendar day, more than 100 pounds, or the poundage as provided in this part, of summer flounder during the period from January 1 through the Sunday of the first full week in February. The DFW may adjust the possession limit during the sub-period based on the current catch rate and advice from fishing industry representatives and the Rhode Island Marine Fisheries Council.

- a. Any vessel which possesses a valid federal summer flounder moratorium permit if harvesting summer flounder from federal waters and possesses a valid state of Rhode Island summer flounder exemption certificate; or, if harvesting exclusively in State waters, any vessel whose operator possesses a valid license to harvest or land summer flounder for commercial purposes in Rhode Island and possesses a valid state of Rhode Island summer flounder exemption certificate, may opt to apply to obtain a permit from the Division of Fish and Wildlife in the aggregate landing program for summer flounder during the Winter I period**

beginning on the Sunday of the first full week in February and running through the Saturday of the first full week in April or until the program is terminated as provided in this part. The name of any applicant vessel deemed to satisfy the requirements for enrollment in the program shall be maintained on a list to be kept by DEM Division of Fish and Wildlife and DEM Division of Law Enforcement and is thereby authorized to land summer flounder in any amount between 0 and 1,000 pounds in any calendar week period so long as the total landed by that vessel does not exceed 1,000 pounds in any calendar week period. It shall be unlawful for the cumulative landings to exceed the weekly trip limit. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. On the Sunday of the first full week in April or when 80% of the Winter I summer flounder quota has been harvested as determined by the Division of Fish and Wildlife (Division), whichever occurs first, the program will terminate and the possession limit per vessel shall be 100 pounds per calendar day. The DFW may adjust the aggregate program possession limit during the sub-period based on the current catch rate and advice from fishing industry representatives and the Rhode Island Marine Fisheries Council.

- b. The commercial possession limit of summer flounder for vessels that are not permitted in the aggregate landing program shall be 100 pounds per calendar day for vessels which possess a valid state of Rhode Island Summer Flounder Exemption Certificate. On the Sunday of the first full week in April or when 80% of the Winter I summer flounder quota has been harvested as determined by the Division of Fish and Wildlife (Division), whichever occurs first, the possession limit per vessel shall be 100 pounds per calendar day. It shall be unlawful for any person operating a vessel that is not permitted to participate in the aggregate landing program to land more than the poundage of summer flounder, as specified above, in Rhode Island during any calendar day commencing at 12:00 AM and ending at 11:59 PM of that same day.
- c. The possession limit for vessels which do not possess a RI Summer Flounder Exemption Certificate is 100 pounds per day.
- d. An applicant vessel shall be considered eligible for a permit to participate in the aggregate landing program for summer flounder by demonstrating to the satisfaction of the Division of Fish and Wildlife and the Division of Law Enforcement that it satisfies each of the following criteria:

 - (1) The vessel if harvesting summer flounder from federal waters possesses a valid federal summer flounder moratorium permit and possesses a valid state of Rhode Island summer flounder exemption certificate, or, if harvesting exclusively in State waters, the vessel's operator possesses a

valid license to harvest or land summer flounder for commercial purposes in Rhode Island and possesses a valid state of Rhode Island summer flounder exemption certificate;

- (2) The vessel shall be operated by a person who possesses a valid multipurpose, principal effort, or landing license issued by the State of Rhode Island to land summer flounder for commercial purposes; and
- (3) The vessel shall be operated by a licensed person who has not been assessed a criminal or administrative penalty in the past three years for a violation of Part 7.7 Fluke (Summer Flounder) et al. and/or Part 7.11 Scup Regulation et al. or more than one marine fisheries violation

e. The operator of the applicant vessel shall strictly adhere to each of the following requirements:

- (1) The subject vessel shall be permitted from the date the participant enters the program until the end of the Winter I sub period or until the participant terminates enrollment by providing written notice of the termination from the program, whichever first occurs. Said termination shall take effect no earlier than the Saturday following the receipt of the written notice by the Division.
- (2) A vessel may commence the application process for obtaining a permit to participate in the program by downloading the application from DEMs website, or may obtain one directly from the Division of Fish and Wildlife (401-423-~~19271943~~) on Mondays and Tuesdays, from 8:30 AM until 4:00 PM during the entire Winter I sub period. The application must be filled out in its entirety and returned to the Division of Fish and Wildlife (3 Fort Wetherill Rd Jamestown, RI 02835). The application will be reviewed by the Division of Fish and Wildlife and the Division of Law Enforcement and upon acceptance, a permit will be issued to the applicant vessel to take effect the first Sunday after the permit is received.
- (3) No vessel shall possess simultaneously more than one aggregate landing program permit.
- (4) The operator of any vessel permitted for the aggregate landing program shall only sell summer flounder to a dealer who is certified on a list maintained by the Division of Fish and Wildlife as a Standard Atlantic Fisheries Information System (SAFIS) dealer. A certified SAFIS dealer shall be defined as a dealer who is linked to the SAFIS reporting system and has demonstrated to the satisfaction of the Division of Fish and Wildlife its ability to make timely reports to the requisite governmental entities. A list of certified SAFIS dealers will be furnished to all permitted

fishermen. A certificate attesting to the dealer's designation shall be posted through the Winter I Period at the dealer's facility.

- (5) The information recorded by the SAFIS reporting system referenced in section (4) of this part shall be documented by the Division of Fish and Wildlife and the Division of Law Enforcement for use in accounting for the amount of summer flounder landed by a specific vessel during a calendar week.
- (6) The State's copy of the Vessel Trip Report logbook or the reporting form provided by the Division of Fish and Wildlife shall be kept in numerical order on board the vessel and furnished upon request, including the name and address of the dealer where the summer flounder were landed. The vessel must have all reports dating back to January 1st on board the vessel.-

- f. Non-compliance with the provisions of these regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for the subsequent Winter I fishery. If for any reason a Winter I fishery does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current Winter I period upon adjudication.

Additionally, the owner(s) and operator(s) shall be subject to the imposition of a penalty pursuant to Part 3.3 (RIGL 20-3-3) and the Rules and Regulations Governing the Suspension/Revocation of Commercial Marine Fisheries, Shellfish Buyer, Lobster Dealer, Finfish Dealer, and Multi-purpose Dealer, licenses issued pursuant to Title 20 of RIGL "Fish and Wildlife".

- g. If the Chief of the Division of Fish and Wildlife and/or the Chief of the Division of Law Enforcement determine that there has been non-compliance with the provisions of these regulations or the permit agreement, the owner and/or operator of the permitted vessel shall be advised of such determination and the specific grounds therefore in writing by delivery of same by certified mail or by personal service upon the owner or operator in compliance with the requirements set out in Rule 4 of the Rhode Island Superior Court Rules of Civil Procedure. The determination shall specifically include notice that an opportunity for an impartial hearing is available before the Administrative Adjudication Division pursuant to R.I. Gen. Laws Chapter 42-17.7 relative to either or both the finding that sufficient evidence exists of non-compliance with the provisions of these regulations or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant

to Part 3.3 (RIGL 20-3-3) as well as the ineligibility to reapply for a permit for the subject vessel for the remainder of the Winter I period.

- (1) Any person who feels aggrieved such a determination may seek an adjudicatory hearing in order to contest an enforcement action which alleges violation(s) of these rules and regulations must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 within twenty (20) calendar days of receipt of the contested agency enforcement action.
- (2) Any person who seeks an adjudicatory hearing relative to a determination to deny an applicant vessel a permit in the aggregate landing program for summer flounder must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 within thirty (30) calendar days of receipt of the contested agency action.
- (3) The written request for hearing pursuant to Rule 8(a) or 8(b) must be received by with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 with the time period indicated.

- h Any applicant who is permitted for the winter 1 aggregate program as set forth above will not be allowed to participate in the summer aggregate program within the same year.

7.7.1-2 Summer Sub-Period: May 1 - October 31 annually.

Target allocation – 35% of the annual quota established in Section 7.7, unless modified pursuant to this part. The possession limit per vessel will be 100 pounds per calendar day.

Beginning June 1, in each calendar week it will be prohibited to commercially possess, sell, or land summer flounder during the two-day period beginning at 12:00 AM on Friday and ending at 11:59 PM on Saturday.

- a. Beginning June 1 any vessel which possesses a valid federal summer flounder moratorium permit if harvesting summer flounder from federal waters and possesses a valid state of Rhode Island summer flounder exemption certificate; or, if harvesting exclusively in State waters, any vessel whose operator possesses a valid license to harvest or land summer flounder for commercial purposes in Rhode Island and possesses a valid state of Rhode Island summer flounder exemption certificate, may opt to apply to obtain a permit from the Division of Fish and Wildlife for the aggregate landing program for summer flounder during the Summer sub period until the program is terminated as provided in this part. The name of any applicant vessel deemed to satisfy the requirements for enrollment in the

program shall be maintained on a list to be kept by DEM Division of Fish and Wildlife and DEM Division of Law Enforcement and is thereby authorized to land summer flounder in any amount between 0 and 350 pounds in any calendar week period so long as the total landed by that vessel does not exceed 350 pounds in any calendar week period. It shall be unlawful for the cumulative landings to exceed the weekly trip limit. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Thursday at 11:59 PM. When 80% of the Summer sub period summer flounder quota has been harvested as determined by the Division of Fish and Wildlife (Division) the program will terminate and the possession limit per vessel shall be 100 pounds per calendar day. The DFW may adjust the aggregate program possession limit during the sub-period based on the current catch rate and advice from fishing industry representatives and the Rhode Island Marine Fisheries Council.

b. The commercial possession limit of summer flounder for vessels that are not permitted in the aggregate landing program shall be 100 pounds per calendar day. It shall be unlawful for any person operating a vessel that is not permitted to participate in the summer aggregate landing program to land more than the poundage of summer flounder, as specified above, in Rhode Island during any calendar day commencing at 12:00 AM and ending at 11:59 PM of that same day.

c. The possession limit for vessels which do not possess a RI Summer Flounder Exemption Certificate is 100 pounds per day.

d. An applicant vessel shall be considered eligible for a permit to participate in the summer aggregate landing program for summer flounder by demonstrating to the satisfaction of the Division of Fish and Wildlife and the Division of Law Enforcement that it satisfies each of the following criteria:

- (1)** The vessel if harvesting summer flounder from federal waters possesses a valid federal summer flounder moratorium permit and possesses a valid state of Rhode Island summer flounder exemption certificate, or, if harvesting exclusively in State waters, the vessel's operator possesses a valid license to harvest or land summer flounder for commercial purposes in Rhode Island and possesses a valid state of Rhode Island summer flounder exemption certificate;
- (2)** The vessel shall be operated by a person who possesses a valid multipurpose, principal effort, or landing license issued by the State of Rhode Island to land summer flounder for commercial purposes; and
- (3)** The vessel shall be operated by a licensed person who has not been assessed a criminal or administrative penalty in the past year for a

violation of Part 7.7 Fluke (Summer Flounder) et al. or more than one marine fisheries violation

e. The operator of the applicant vessel shall strictly adhere to each of the following requirements:

- (1) The subject vessel shall be permitted from the date the participant enters the program until the end of the Summer sub period or until the participant terminates enrollment by providing written notice of the termination from the program, whichever first occurs. Said termination shall take effect no earlier than the Sunday following the receipt of the written notice by the Division.**
- (2) A vessel may commence the application process for obtaining a permit to participate in the program by downloading the application from DEMs website, or may obtain one directly from the Division of Fish and Wildlife (401-423-1927) on Mondays and Tuesdays, from 8:30 AM until 4:00 PM during the entire Summer sub period. The application must be filled out in its entirety and returned to the Division of Fish and Wildlife (3 Fort Wetherill Rd Jamestown, RI 02835). The application will be reviewed by the Division of Fish and Wildlife and the Division of Law Enforcement and upon acceptance, a permit will be issued to the applicant vessel to take effect the first Sunday after the permit is received.**
- (3) No vessel shall possess simultaneously more than one aggregate landing program permit.**
- (4) The operator of any vessel permitted for the aggregate landing program shall only sell summer flounder to a dealer who is certified on a list maintained by the Division of Fish and Wildlife as a Standard Atlantic Fisheries Information System (SAFIS) dealer. A certified SAFIS dealer shall be defined as a dealer who is linked to the SAFIS reporting system and has demonstrated to the satisfaction of the Division of Fish and Wildlife its ability to make timely reports to the requisite governmental entities.**
- (5) The information recorded by the SAFIS reporting system referenced in section (4) of this part shall be documented by the Division of Fish and Wildlife and the Division of Law Enforcement for use in accounting for the amount of summer flounder landed by a specific vessel during a calendar week.**

(6) The State's copy of the Vessel Trip Report logbook or the reporting form provided by the Division of Fish and Wildlife shall be kept in numerical order on board the vessel and furnished upon request, including the name and address of the dealer where the summer flounder were landed. The vessel must have all reports dating back to January 1st on board the vessel.-

f. Non-compliance with the provisions of these regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for the subsequent Summer sub period fishery. If for any reason a Summer sub period fishery does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current Summer sub period upon adjudication.

Additionally, the owner(s) and operator(s) shall be subject to the imposition of a penalty pursuant to Part 3.3 (RIGL 20-3-3) and the Rules and Regulations Governing the Suspension/Revocation of Commercial Marine Fisheries, Shellfish Buyer, Lobster Dealer, Finfish Dealer, and Multi-purpose Dealer, licenses issued pursuant to Title 20 of RIGL "Fish and Wildlife".

g. If the Chief of the Division of Fish and Wildlife and/or the Chief of the Division of Law Enforcement determine that there has been non-compliance with the provisions of these regulations or the permit agreement, the owner and/or operator of the permitted vessel shall be advised of such determination and the specific grounds therefore in writing by delivery of same by certified mail or by personal service upon the owner or operator in compliance with the requirements set out in Rule 4 of the Rhode Island Superior Court Rules of Civil Procedure. The determination shall specifically include notice that an opportunity for an impartial hearing is available before the Administrative Adjudication Division pursuant to R.I. Gen. Laws Chapter 42-17.7 relative to either or both the finding that sufficient evidence exists of non-compliance with the provisions of these regulations or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant to Part 3.3 (RIGL 20-3-3) as well as the ineligibility to reapply for a permit for the subject vessel for the remainder of the Summer sub period.

(1) Any person who feels aggrieved such a determination may seek an adjudicatory hearing in order to contest an enforcement action which alleges violation(s) of these rules and regulations must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908

within twenty (20) calendar days of receipt of the contested agency enforcement action.

(2) Any person who seeks an adjudicatory hearing relative to a determination to deny an applicant vessel a permit in the aggregate landing program for summer flounder must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 within thirty (30) calendar days of receipt of the contested agency action.

(3) The written request for hearing pursuant to Rule 8(a) or 8(b) must be received by with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 with the time period indicated.

h. Any applicant who was permitted for the winter 1 aggregate program as set forth above will not be allowed to participate in the summer aggregate landing program within the same year.

7.7.1-4 Fall Sub-Period: November 1 - December 31 annually.

Target allocation - 11% of the annual quota established in Section 7.7, unless modified pursuant to this part. The possession limit per vessel will be 225 pounds per calendar day. Any unused portion of the quota from a 'sub-period' will be equally distributed to the allocations of the remaining sub-periods. The over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods. Annually, the target allocations specified in sections 7.7.1-1 through 7.7.1- 4 shall be adjusted by the DFW to charge over-harvest of a sub-period allocation during a given year to the same sub-period of the next following year.

7.7.2 Summer flounder Trip Limits (possession limit)

7.7.2-1 Repealed 5/11/01

7.7.2-2 The possession limit may vary from the amount specified in sections 7.7.1-1 through 7.7.1- 4. Fish and Wildlife, after discussions with fishing industry representatives, will determine, based upon the period of time remaining in the quota period and the current catch rate, whether the quota will be reached prior to the end of the sub-period. Having determined the catch rate and time remaining in the sub-period, Fish and Wildlife will decide whether the possession limit should be decreased or increased. Fish and Wildlife will file a notice with the Secretary of State's Office if the rate is changed, and publish a news release announcing the change in a newspaper of daily circulation throughout the State.

Option 2 – Split the summer sub period in to two

7.7.1-2 Summer 1 Sub-Period: May 1 - ~~October~~ July 31 annually.

Target allocation – ~~35~~17.5% of the annual quota established in Section 7.7, unless modified pursuant to this part. The possession limit per vessel will be 100 pounds per calendar day.

Beginning June 1, in each calendar week it will be prohibited to commercially possess, sell, or land summer flounder during the two-day period beginning at 12:00 AM on Friday and ending at 11:59 PM on Saturday.

- a.** Beginning June 1 any vessel which possesses a valid federal summer flounder moratorium permit if harvesting summer flounder from federal waters and possesses a valid state of Rhode Island summer flounder exemption certificate; or, if harvesting exclusively in State waters, any vessel whose operator possesses a valid license to harvest or land summer flounder for commercial purposes in Rhode Island and possesses a valid state of Rhode Island summer flounder exemption certificate, may opt to apply to obtain a permit from the Division of Fish and Wildlife for the aggregate landing program for summer flounder that will extend through both the during the Summer 1 and Summer 2 sub periods until the program is terminated as provided in this part. The name of any applicant vessel deemed to satisfy the requirements for enrollment in the program shall be maintained on a list to be kept by DEM Division of Fish and Wildlife and DEM Division of Law Enforcement and is thereby authorized to land summer flounder in any amount between 0 and 350 pounds in any calendar week period so long as the total landed by that vessel does not exceed 350 pounds in any calendar week period. It shall be unlawful for the cumulative landings to exceed the weekly trip limit. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Thursday at 11:59 PM. When ~~80% of~~ the Summer 1 sub period summer flounder quota has been harvested as determined by the Division of Fish and Wildlife (Division) the program will terminate ~~and the possession limit per vessel shall be 100 pounds per calendar day.~~ The program will restart at the beginning of the Summer 2 sub period, and will be administered as set forth in this part. The DFW may adjust the aggregate program possession limit during either Summer ~~the~~ sub-period based on the current catch rate and advice from fishing industry representatives and the Rhode Island Marine Fisheries Council.
- b.** The commercial possession limit of summer flounder for vessels that are not permitted in the aggregate landing program shall be 100 pounds per calendar day. It shall be unlawful for any person operating a vessel that is not permitted to participate in the summer aggregate landing program to land more than the poundage of summer flounder, as specified above, in Rhode Island during any calendar day commencing at 12:00 AM and ending at 11:59 PM of that same day.
- c.** The possession limit for vessels which do not possess a RI Summer Flounder Exemption Certificate is 100 pounds per day.

d. An applicant vessel shall be considered eligible for a permit to participate in the summer aggregate landing program for summer flounder by demonstrating to the satisfaction of the Division of Fish and Wildlife and the Division of Law Enforcement that it satisfies each of the following criteria:

- (1)** The vessel if harvesting summer flounder from federal waters possesses a valid federal summer flounder moratorium permit and possesses a valid state of Rhode Island summer flounder exemption certificate, or, if harvesting exclusively in State waters, the vessel's operator possesses a valid license to harvest or land summer flounder for commercial purposes in Rhode Island and possesses a valid state of Rhode Island summer flounder exemption certificate;
- (2)** The vessel shall be operated by a person who possesses a valid multipurpose, principal effort, or landing license issued by the State of Rhode Island to land summer flounder for commercial purposes; and
- (3)** The vessel shall be operated by a licensed person who has not been assessed a criminal or administrative penalty in the past year for a violation of Part 7.7 Fluke (Summer Flounder) et al. or more than one marine fisheries violation

e. The operator of the applicant vessel shall strictly adhere to each of the following requirements:

- (1)** The subject vessel shall be permitted from the date the participant enters the program until the end of the Summer **2** sub period or until the participant terminates enrollment by providing written notice of the termination from the program, whichever first occurs. Said termination shall take effect no earlier than the Sunday following the receipt of the written notice by the Division.
- (2)** A vessel may commence the application process for obtaining a permit to participate in the program by downloading the application from DEMs website, or may obtain one directly from the Division of Fish and Wildlife (401-423-1927) on Mondays and Tuesdays, from 8:30 AM until 4:00 PM during the entire Summer **1 and Summer 2** sub periods. The application must be filled out in its entirety and returned to the Division of Fish and Wildlife (3 Fort Wetherill Rd Jamestown, RI 02835). The application will be reviewed by the Division of Fish and Wildlife and the Division of Law Enforcement and upon acceptance, a permit will be issued to the applicant vessel to take effect the first Sunday after the permit is received.
- (3)** No vessel shall possess simultaneously more than one aggregate landing program permit.
- (4)** The operator of any vessel permitted for the aggregate landing program shall only sell summer flounder to a dealer who is certified on a list maintained by the Division of Fish and Wildlife as a Standard Atlantic Fisheries Information System (SAFIS) dealer. A certified SAFIS dealer

shall be defined as a dealer who is linked to the SAFIS reporting system and has demonstrated to the satisfaction of the Division of Fish and Wildlife its ability to make timely reports to the requisite governmental entities.

- (5) The information recorded by the SAFIS reporting system referenced in section (4) of this part shall be documented by the Division of Fish and Wildlife and the Division of Law Enforcement for use in accounting for the amount of summer flounder landed by a specific vessel during a calendar week.
- (6) The State's copy of the Vessel Trip Report logbook or the reporting form provided by the Division of Fish and Wildlife shall be kept in numerical order on board the vessel and furnished upon request, including the name and address of the dealer where the summer flounder were landed. The vessel must have all reports dating back to January 1st on board the vessel.-

- f. Non-compliance with the provisions of these regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for the subsequent Summer sub period fishery. If for any reason a Summer sub period fishery does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current Summer sub period upon adjudication.

Additionally, the owner(s) and operator(s) shall be subject to the imposition of a penalty pursuant to Part 3.3 (RIGL 20-3-3) and the Rules and Regulations Governing the Suspension/Revocation of Commercial Marine Fisheries, Shellfish Buyer, Lobster Dealer, Finfish Dealer, and Multi-purpose Dealer, licenses issued pursuant to Title 20 of RIGL "Fish and Wildlife".

- g. If the Chief of the Division of Fish and Wildlife and/or the Chief of the Division of Law Enforcement determine that there has been non-compliance with the provisions of these regulations or the permit agreement, the owner and/or operator of the permitted vessel shall be advised of such determination and the specific grounds therefore in writing by delivery of same by certified mail or by personal service upon the owner or operator in compliance with the requirements set out in Rule 4 of the Rhode Island Superior Court Rules of Civil Procedure. The determination shall specifically include notice that an opportunity for an impartial hearing is available before the Administrative Adjudication Division pursuant to R.I. Gen. Laws Chapter 42-17.7 relative to either or both the finding that sufficient evidence exists of non-compliance with the provisions of these regulations or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant to Part 3.3 (RIGL 20-3-3) as well as the ineligibility to reapply for a permit for the subject vessel for the remainder of the Summer sub period.

- (4) Any person who feels aggrieved such a determination may seek an adjudicatory hearing in order to contest an enforcement action which alleges violation(s) of these rules and regulations must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 within twenty (20) calendar days of receipt of the contested agency enforcement action.
- (5) Any person who seeks an adjudicatory hearing relative to a determination to deny an applicant vessel a permit in the aggregate landing program for summer flounder must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 within thirty (30) calendar days of receipt of the contested agency action.
- (6) The written request for hearing pursuant to Rule 8(a) or 8(b) must be received by with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 with the time period indicated.

Any applicant who was permitted for the winter 1 aggregate program as set forth above will not be allowed to participate in the summer aggregate landing program within the same year.

7.7.1-3 Summer 2 Sub-Period: August 1 - October 31 annually.

Target allocation – 17.5% of the annual quota established in Section 7.7, unless modified pursuant to this part. The possession limit per vessel will be 100 pounds per calendar day, except as modified in section 7.7.1-2. When the Summer 2 sub period summer flounder quota has been harvested as determined by the Division of Fish and Wildlife (Division) the fishery and the summer aggregate landing program will terminate.

Beginning August 1, in each calendar week it will be prohibited to commercially possess, sell, or land summer flounder during the two-day period beginning at 12:00 AM on Friday and ending at 11:59 PM on Saturday.

2) Black sea bass quota management proposals

Option 1 – Status Quo

Option 2 – Raise May through July possession limit (This proposal was approved by the RIMFC black sea bass advisory panel.)

7.14.1-2 Commercial Seasons and Possession Limits -- A state quota for black sea bass will be established annually and shall be the most recent amount allocated to the State of Rhode Island by the Atlantic States Marine Fisheries Commission and/or the Secretary of the U.S. Department of Commerce as

published in the Federal Register. The quota shall be available during the following seasons:

- (a) January 1 – April 30: Twenty-five percent (25%) of the quota established in this part shall be available from January 1 through April 30, unless modified pursuant to section 7.14.1-2(e). It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 1,500 pounds of black sea bass during this period. When 60% of the sub-period allocation has been harvested, the possession limit will drop to 1,000 pounds. Refer to section 7.14.1-3 for current possession limit.
- (b) May 1 – July 31: Twenty-five percent (25%) of the quota established in this part shall be available from May 1 through July 31, unless modified pursuant to section 7.14.1-2(e). It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than ~~400~~ 200 pounds of black sea bass during this period. Refer to section 7.14.1-3 for the current possession limit.
- (c) August 1 – October 31: Twenty-five percent (39%) of the quota established in this part shall be available from August 1 through October 31, unless modified pursuant to section 7.14.1-2(e). It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 100 pounds of black sea bass during this period. Refer to section 7.14.1-3 for the current possession limit.
- (d) November 1 – December 31: Twenty-five percent (11%) of the quota established in this part shall be available from November 1 through December 31, unless modified pursuant to section 7.14.1-2(e). It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 500 pounds of black sea bass during this period. Refer to section 7.14.1-3 for the current possession limit.